

**G. DISQUALIFICATION****WAC 388-444-0055. What are the penalties for refusing or failing to comply?**

- (1) If you are nonexempt, you must follow the food assistance work requirements as defined in WAC 388-444-0005 or 388-444-0030 unless you have good cause as defined in WAC 388-444-0050. If you do not follow these rules, you will become an ineligible assistance unit member as provided in WAC 388-450-0140. The remaining members of the assistance unit continue to be eligible for food assistance.
- (2) If you do not follow these rules, unless you have good cause, you cannot receive food assistance for the following periods of time and until you comply with program requirements:
  - (a) For the first failure to comply, one month;
  - (b) For the second failure to comply, three months; and
  - (c) For the third or subsequent failure to comply, six months.
- (3) If you become exempt under WAC 388-444-0015, and are otherwise eligible, you may begin to receive food assistance.
- (4) If you are nonexempt and you do not comply with the work requirements of the following programs, you cannot receive food assistance:
  - (a) WorkFirst;
  - (b) Unemployment compensation ;
  - (c) The refugee cash assistance program.
- (5) Within ten days after learning of your refusal to participate in your program, the financial worker will send you a notice that your food assistance will end unless you comply with your program requirements.
- (6) If you do not comply within ten days, you will be issued a notice disqualifying you from receiving food assistance until you comply with your program. or until you

meet the FS E&T disqualification requirements in subsection (2) of this section.

- (7) After the penalty period in subsection (2) of this section is over, and you have complied with your program requirements, and you are otherwise eligible, you may receive food assistance:
  - (a) If you are alone in the assistance unit and apply to reestablish eligibility; or
  - (b) If you are a member of an assistance unit, you may resume receiving food assistance.
- (8) During the penalty period, if you begin to participate in one of the programs listed in subsection (4) (a) through (c) and that penalty is removed, the FS E&T disqualification also ends. If you are otherwise eligible, you may begin to receive food assistance.
- (9) You have a right to a fair hearing as provided in WAC 388-08-413.

## CLARIFYING INFORMATION

The disqualification rules and procedures for the FS E&T Program apply only to non-exempt E&T participants, not ABAWDs. See Section E, ABAWDs.

### Comparable Programs

Comparable Programs are work programs like FS E&T. The rules apply to both non-exempt E&T participants and ABAWDs.

Clients who are disqualified for not cooperating with any of the following programs are also subject to food assistance disqualification penalties if not exempt under FS E&T:

1. TANF work programs (WorkFirst).
2. Refugee Cash Assistance - Clients in the Refugee Pathway to Self-Sufficiency
3. Unemployment Compensation (UC)

**Comparable Program Disqualifications**

When a recipient refuses to comply with one of the programs listed under Comparable Programs in this section, that client is no longer automatically exempt from the FS E&T or ABAWD work requirements.

**WORKER RESPONSIBILITIES**

At the time the worker determines that a comparable sanction will be applied, or benefits denied because of lack of cooperation, the worker must:

1. Review the client's circumstances to determine if any FS E&T or ABAWD exemptions apply. See WAC 388-444-0015, WAC 388-444-0020, and WAC 388-44-0035;
  - a. If the client meets a FS E&T or ABAWD exemption then the client continues to receive food stamps;
  - b. If the client does not have a FS E&T or ABAWD exemption, the worker must notify the client that a FS E&T disqualification will be applied unless the client complies with the comparable program requirements.
2. Along with the TANF (WorkFirst ) sanction notice, Pathway to Self-Sufficiency, or UC noncompliance notices, the worker must notify the non-exempt client. On the notice, using the free form text, include the following information:
  - a. The need to meet FS E&T or ABAWD program requirements as a non-exempt client within 10 days of the notice;
  - b. The only way the client can meet the FS E&T or ABAWD requirements is by participating with the comparable program requirements;
  - c. A FS E&T disqualification for E&T or ABAWD clients will be applied if the specific comparable program requirements are not met. The penalty for non-compliance with FS E&T(1, 3 or 6 months) is dependent on whether it is the 1st, 2nd or 3rd sanction; and
  - d. Then the client must comply with the comparable program requirements.

3. If the client complies with the comparable program requirements within the 10 day notice, then the client is once again exempt from FS E&T or ABAWD requirements.
4. If the client does not comply with the comparable program requirements within the 10 day notice, then the client is disqualified from receiving food stamp benefits. Enter the following information in the free text:
  - a. The reason for the disqualification;
  - b. The period of disqualification; and
  - c. The only way the disqualification ends is for the client to comply with [name of comparable program] requirements.
5. Apply the disqualification in the month following the 10-day advance notice.

**Procedures for Disqualifying a Client**

The following procedures apply to disqualified E&T (not ABAWD) clients in the FS E&T Program.

1. Enter non-cooperation in ACES as described in the ACES Procedures at the end of this section.
2. Notify ESD of the action taken, using the DSHS 11-034B(X), FSE&T Communication.
3. If the disqualified client leaves the food stamp program before the disqualification starts, impose the disqualification when:
  - a. The person reapplies; and
  - b. Is otherwise found eligible to participate in the FS E&T Program,
  - c. Start the disqualification period with the first full month of certification.
4. If a disqualified person leaves the program before completing the disqualification period:

- a. The person serves any remaining time of disqualification when the person applies for benefits and is otherwise eligible for the FS E&T Program; and
- b. Start the remaining disqualification period with the first full month of certification.

**Regaining Eligibility**

1. If otherwise eligible, a client regains food stamp benefits when:
  - a. The penalty period is completed; and
  - b. FS E&T program compliance is verified.
2. A disqualified client is treated as an ineligible household member. See **INCOME**
3. For a one person household, the client must reapply for benefits. A household of two or more will have the client's portion of benefits restored.

**Ending a Disqualification When a Client Becomes Exempt During the Penalty Period**

This section applies to clients in the FS E&T Program as well as FS E&T clients in a comparable program.

1. A disqualification ends when the client becomes exempt during the penalty phase.

**Note:** This does not apply to a non-exempt client in the FS E&T Program who moves to an exempt area. The penalty period (one, three or six months) must be served but the client is not required to participate once he or she moves to the exempt area because there is no FS E&T program in an exempt area; or
2. Moving from a FS E&T non-exempt to an exempt area does not end the disqualification of a client serving a disqualification for refusing to cooperate with a comparable program.

**Note:** A disqualification for failing to comply with FSE&T is not canceled because of a disqualification for noncompliance with some other food stamp program

requirement. Multiple disqualifications may run at the same time.

**ACES PROCEDURES****Non-Cooperation with the FS E&T or comparable programs**

A person is disqualified from the food stamp household when the person:

1. Is a mandatory E&T (non-ABAWD) participant who fails to cooperate without good cause in the FS E&T Program, or
2. Is an E&T or ABAWD client who fails to cooperate with a comparable program,

Use the following steps to disqualify:

1. From the (AMEN), select [R] and enter the client ID number. <TRANSMIT>
2. Go to the client's (WORK) screen. Enter [RE] on the food stamp line of the (Partic Stat) field.
3. Enter the date non-cooperation was determined on the (Partic Stat) field.
4. Enter the number of times that client has failed to cooperate with the FS E&T Program on the (Number of Offenses) field. If there is already a number in this field (1), change the number to 2 for this occurrence. <TRANSMIT>
5. Call DONE. <TRANSMIT>
6. Confirm eligibility results and benefit amount. <TRANSMIT>

**FAIR HEARING PROCEDURES**

When a person requests a fair hearing within ten days of the issuance of the Notice of Adverse Action, and the certification period has not expired, benefits will continue.

1. If the hearing goes against the client, and the client received continued benefits, DSHS will establish an overpayment;
2. The client needs a 10-day advance notice following the fair hearing decision; and
3. The disqualification period begins the first of the month following the 10 day notice.

If an ABAWD requests a fair hearing, the client's three month clock stops ticking and benefits will continue until there is a fair hearing decision.

1. If the hearing goes against the ABAWD, the three month clock begins to tick the first of the month following the 10-day notice advising the client of the fair hearing decision; or
2. If the ABAWD has already used up the three months in a thirty-six month period, food stamp benefits are terminated the first of the month following the 10-day notice.
3. If the ABAWD client appeals the fair hearing decision, the three month clock stops ticking and benefits will continue until a final decision is reached.